IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RSA No. 411 of 2004.

Date of decision: 14.3.2007.

Krishan Chand & anr. **...Appellants.**

VERSUS

Sant Ram & others **…Respondents.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

The Hon'ble Mr. Justice

Whether approved for reporting?

For the appellants: **Mr. Tara Singh Chauhan, Advocate.**

For the respondents: **Mr. Bhupender Gupta, Senior Advocate with Mr. Janesh Gupta, Advocate.**

Surjit Singh, J. (Oral).

Heard and gone through the record.

2. A suit was filed by the respondents, seeking permanent prohibitory injunction, restraining the appellants, who are husband and wife from interfering in their possession over 3 Biswas area, which they were given in exchange by the appellants for equal area from a different khata. Appellants-defendants contested the suit, alleging that fraud had been played upon them. Appellant-defendant No. 2 Bimla Devi raised an additional plea that the land had been given to her and her minor children in lieu of their

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Whether reporters of Local Papers may be allowed to see the Judgment?

maintenance, by appellant No.1 Krishan Chand, and that as per compromise this land could not have been sold.

3. The two courts below have returned the finding that no fraud had been played and that there was a registered deed of exchange. I have seen the compromise, under which the property was given to appellant- defendant No. 2 and her children, which is on record as Ex. DC. As per this compromise, 28 Bighas 15 Biswas land was given to appellant- defendant No.2 and her children. Only 3 Biswas of land out of 28 Bighas 15 Biswas, has been exchanged with the respondents- plaintiffs. Otherwise also what the compromise-deed Ex. DC bars is the sale of the land by defendant- appellant No.1 and not the exchange. The land which has been taken in exchange by appellant- defendant No.1 shall automatically go to the appellant No.2 and her children, in terms of the aforesaid compromise.

4. In view of the above discussion, I do not think any substantial question of law arises. Hence the appeal is dismissed.

CMP No. 819 of 2004.

5. Infructuous. .

March 14, 2007. **(Surjit Singh),**
(Hem) **Judge.**